

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: StaceyAnn McFarlane-Ross	Team: Squad #1	CCRB Case #: 201809368	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 09/13/2018 6:30 PM	Location of Incident: [REDACTED]	Precinct: 41	18 Mo. SOL 3/13/2020	EO SOL 3/13/2020	
Date/Time CV Reported Thu, 11/08/2018 3:34 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 11/08/2018 3:51 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Emilio Estevez	13502	944542	041 PCT
2. POM Richard Ruiz	18806	962071	041 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Emilio Estevez	Abuse: Police Officer Emilio Estevez threatened to issue a summons to § 87(2)(b) [REDACTED]	[REDACTED]
B.POM Richard Ruiz	Abuse: Police Officer Richard Ruiz interfered with § 87(2)(b) [REDACTED]'s use of a recording device.	[REDACTED]
C.POM Richard Ruiz	Abuse: Police Officer Richard Ruiz refused to provide his shield number to § 87(2)(b) [REDACTED]	[REDACTED]
D.POM Emilio Estevez	Discourtesy: Police Officer Emilio Estevez gestured discourteously toward § 87(2)(b) [REDACTED]	[REDACTED]

Case Summary

On November 8, 2018, § 87(2)(b) filed this complaint via telephone with the CCRB.

On September 13, 2018, at approximately 6:30 pm, § 87(2)(b) drove to the check cashing store at § 87(2)(b) in the Bronx and double parked in front of the store. As he entered the store, he observed PO Emilio Estevez and PO Richard Ruiz, from the 41st Precinct inside. PO Estevez told § 87(2)(b) that he could be issued a summons (**Allegation A: Abuse of Authority, § 87(2)(g)**). § 87(2)(b) took out his cell phone to record PO Estevez and stood approximately two feet away as he used his camera to get PO Estevez's shield number. PO Ruiz firmly guided § 87(2)(b) from him and told him that he was too close (**Allegation B: Abuse of Authority, § 87(2)(g)**). § 87(2)(b) turned his camera toward PO Ruiz and asked him for his name and shield number. PO Ruiz verbally provided his name but not his shield number (**Allegation C: Abuse of Authority, § 87(2)(g)**).

Approximately 15 minutes later, § 87(2)(b) left the store and went back to his car. As he drove off PO Estevez put both his middle fingers up at him (**Allegation D: Discourtesy, § 87(2)(g)**).

During the course of the investigation, five videos recorded on § 87(2)(b)'s cell phone were obtained (Board Review 03-07).

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Emilio Estevez threatened to issue a summons to § 87(2)(b)

§ 87(2)(b) (Board Review 01, 02) testified that he double-parked his car in an open space by the doorway with no posted signs for a temporary stop. His back wheels were partially in the bike lane. Once he entered, PO Estevez immediately asked him twice if he had a license and § 87(2)(b) told him not to speak to him. PO Estevez then informed § 87(2)(b) that he could be issued a summons. § 87(2)(b) did not ask PO Estevez what he could be issued a summons for but assumed the summons would be for his parking. § 87(2)(b) told PO Estevez, "If you want to give me a ticket then do that."

In § 87(2)(b)'s video footage (Board Review 03-07) PO Estevez and PO Ruiz are standing at the front of the store. § 87(2)(b) states that an officer threatened to issue him a summons, but no such threat is recorded on video.

PO Estevez (Board Review 08) was shown § 87(2)(b)'s CCRB photograph and he did not recall seeing § 87(2)(b) enter the check cashing store on that day. He recognized § 87(2)(b) from the area, but did not remember having any interactions with him on that day. PO Estevez was shown video footage that was recorded by § 87(2)(b) inside of the check cashing. PO Estevez identified himself in the video but did not recall having a conversation with § 87(2)(b).

PO Ruiz (Board Review 09) did not remember seeing § 87(2)(b) on that day. He did not remember seeing PO Estevez interact with § 87(2)(b) and did not remember hearing PO Estevez threaten to issue a summons to § 87(2)(b)

§ 87(2)(g), § 87(2)(b)

Allegation (B) Abuse of Authority: Police Officer Richard Ruiz interfered with § 87(2)(b)'s use of a recording device.

Allegation (C) Abuse of Authority: Police Officer Richard Ruiz refused to provide his shield number to § 87(2)(b)

§ 87(2)(b) testified that he took out his cell phone to record PO Estevez. He asked PO Estevez to repeat himself about issuing him a summons, but PO Estevez did not respond. § 87(2)(b) approached PO Estevez and asked him for his name and PO Estevez verbally provided it. He then zoomed his camera in to get PO Estevez's shield number. He stood approximately two feet from PO Ruiz. PO Ruiz firmly guided § 87(2)(b) away from him. § 87(2)(b) asked PO Ruiz why he touched him and PO Ruiz told him that he was too close. § 87(2)(b) asked PO Ruiz for his name and shield number, and PO Ruiz provided his name but not his shield number.

PO Ruiz and PO Estevez's testimonies were consistent in that they did not recall interacting with § 87(2)(b)

§ 87(2)(b)'s video footage does not show § 87(2)(b) approach PO Estevez or PO Ruiz. The video shows him recording from a distance and zooms his camera in on PO Estevez and PO Ruiz. At no point during the recording does PO Ruiz move § 87(2)(b) from him nor does § 87(2)(b) ask PO Ruiz for his shield number.

§ 87(2)(g), § 87(2)(b)

Allegation (D) Discourtesy: Police Officer Emilio Estevez gestured discourteously toward

§ 87(2)(b)

§ 87(2)(b) testified that once he completed his transaction at the check cashing store, he walked back to his car. As he drove off, he saw PO Estevez put both his middle fingers up to him.

PO Estevez and PO Ruiz's testimonies were consistent in which PO Estevez did not put his middle fingers up to § 87(2)(b)

§ 87(2)(g), § 87(2)(b)

Civilian and Officer CCRB Histories

- § 87(2)(b) § 87(2)(b)
§ 87(2)(b)
 - § 87(2)(b)
 - § 87(2)(b)
 - § 87(2)(b)
 - § 87(2)(b)
- PO Emilio Estevez has been a member of service for 11 years and has been a subject in six CCRB complaints and nine allegations, of which two were substantiated:
 - 201406842 involved substantiated allegations of an abuse other and a discourtesy word against PO Estevez. The Board recommended charges. He was found not guilty at trial and the NYPD imposed no penalty.
 - § 87(2)(g)
- PO Richard Ruiz has been a member of service for two years and has been a subject in one CCRB complaint and one allegation, which was not substantiated. 201804731, is currently being investigated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of May 14, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (Board Review 12).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (Board Review 10).

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date